

H. Res 495.

Re Joseph P. Kamp.

TUESDAY, APRIL 20, 1948,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES.

The committee this day met at 10:30 o'clock a. m., Honorable Leo E. Allen, chairman, presiding.

STATEMENT OF HONORABLE RALPH CHURCH, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF ILLINOIS.

The Chairman. Let us hear Mr. Church in connection with his H. Res. 495, concerning the case of Joseph P. Kamp.

Mr. Church of Illinois. Mr. Chairman, first let me seriously request that I be allowed to read a prepared statement of this very difficult matter. Let me ask the chairman of the committee to put in the record, if he will, my letter to him and each member of the committee under date of March 22, 1948. In substance, I said in that letter: "I enclose a copy of H. Res. 495, which has been referred to the Rules Committee. Since the matter involves the integrity of the House, I respectfully urge you to give^{it} your most serious consideration. It appears that outside influences, without the knowledge, consent or authority of the House or any Member thereof, interfered with an investigation by a special committee of the house, and as a result a good citizen was done a grave injustice. Therefore, in the interest of simple justice, I hope you will vote for this Resolution in committee and support it on the floor."

In recommending the adoption of this House Resolution 495, which I introduced, I want to make it clear that there is no question involved as to whether or not a

subpoena of a Congressional committee should be obeyed.

There is no question as to whether Mr. Kamp was right or wrong in refusing to comply with the committee's demand for a list of contributors.

There is no question as to whether the House Committee on Campaign Expenditures of 1944 had the right to subpoena the records of the Constitutional Educational League.

There is no question as to the disposition of this matter in the courts. The adoption of this Resolution cannot affect the eventual outcome of the case in court one way or the other.

The only question to be considered is simply one of justice and fair play.

This Resolution is merely an attempt to rectify as much as possible what I believe to be an injustice that resulted from the fact that outsiders managed somehow to inject themselves into the affairs of the so-called Anderson House Committee on Campaign Expenditures, of which I was a Member.

This Resolution does not bring into question the integrity of the Anderson Committee or any member thereof.

However, to ignore or condone the obvious skullduggery perpetrated by outsiders and their improper, if not illegal, interference in the affairs of this committee, which I shall detail, would, in my opinion, tend to reflect on the integrity of the House of Representatives as a whole.

I was moved to sponsor this Resolution largely because I believe it to be my duty as a Member of the House of Representatives to see to it that the powers entrusted to the Congress by the people shall not be abused at the instance of special interests of any kind or character.

This Resolution is based upon the fact that false information, or at least what I believe to be false information, about Mr. Kamp and his organization, was planted with the committee; that some thirty-odd paragraphs of his testimony were deleted from

the printed record; that committee exhibits used during his hearings were removed from the committee's files and taken to New York by a person who had no connection with the committee and at least one of these exhibits has never been returned; and that all of these things were done without the knowledge or consent of the committee or any Member thereof.

I am confident that if the Members of the Anderson committee had been fully acquainted with the facts and circumstances surrounding these incidents at the time of the hearings or immediately thereafter, Mr. Kamp's testimony would have satisfied the committee. I am satisfied that no subpoena would have been issued for his records. There would have been no default and no citation for contempt of Congress would have been voted.

I heard every word of Mr. Kamp's testimony and there was never any question in my mind that either he or his organization had done anything other than to combat communism wherever it was to be found. The fact that he had exposed Reds on the Government payroll and communists boring-from-within political parties did not seem to me to bring his work within the realm of political activity which we were empowered to investigate.

Mr. Kamp's testimony satisfied me on this point and there was not one bit of evidence brought before the committee to show that he or his organization had engaged in any activity that could be construed as being political.

Some members of the committee might have been impressed, however, by the introduction of photostats of letters addressed to Mr. Kamp, which he immediately charged had been stolen from his offices by an agent of what he termed an un-American Gestapo.

One letter, on the stationery of the Republican National Committee, dated September 21, 1938 - six years before - (page 235) stated that the writer was "enthusiastic" about a certain League newspaper edited by Mr. Kamp. Another letter dated (page 261)

July 10, 1943, more than a year before the hearings, stated that John J. Raskob "was hugging to his bosom" another of Mr. Kamp's publications. A third letter from Channing Pollock, dated May 15, 1943, (page 262) - a year and a half before the hearings - complimented Mr. Kamp for "A swell job" of writing and said he had brought it to the attention of Herbert Hoover.

Then an undated memorandum was offered in evidence. (Page 263). The memorandum consisted of a list of individuals and organizations to whom copies of one of Mr. Kamp's booklets (published the previous year) should be sent.

Mr. Sabath of Illinois. May I interrupt the gentleman to ask a question?

Mr. Church of Illinois. I would prefer to finish my statement and then answer questions.

Mr. Sabath of Illinois. All right.

Mr. Church of Illinois. Mr. Kamp testified: "I would like to make a comment on that. I should like to (page 264) point out to the committee that although we make a suggestion here that ^b this booklet be sent and that we want to send this booklet to people in twelve categories, there is no political organization of any kind included in the list. We suggest that our literature be sent to editors, special writers, veteran posts, women's organizations, fraternal organizations, such as the Junior Order of the United American Mechanics, Knights of Columbus, Elks, the heads of all patriotic organizations, the heads of all civic organizations, including Chambers of Commerce, Junior Chambers of Commerce, boards of trade, together with luncheon clubs, Kiwanis and Rotary, the heads of local units of the American Federation of Labor and independent unions, clergymen of all denominations, manufacturers, food processors, merchants, businessmen and bank officials. Not a politician in the list."

Significantly, however, this memorandum had written across it, the notation: "Used by Kamp solicitors for fund collection purposes as recently as 1944 (January)." (Page 266.)

Mr. Kamp said: "I will comment on that. That is a lie. May I ask who put the note on there?"

Mr. Sparkman answered: "I will do the questioning. That note was put on for my own use."

This memorandum, with what Mr. Kamp charged was a false notation, and the other exhibits had been examined by the various members of the committee. It is possible that some Members attached a political significance to the letters mentioning President Hoover and former Democratic Chairman John J. Raskob, plus the ancient laudatory letter from a worker at the Republican National Committee. Most certainly, then, the notation "used by Kamp solicitors for fund collection purposes as recently as 1914 (January)" clearly implied their use for political purposes within the period in which the committee was authorized to investigate. That was not his memorandum; it is a memorandum of another.

To me the purpose of the notation was only too obvious, and since Mr. Sparkman was reluctant to name the person responsible for providing the information, I tried again a little later that morning to learn the source of these exhibits. I asked Mr. Murphy, a Member of the Committee, about a memorandum he was using. I asked him where it came from. He refused to answer.

During the Kamp hearings Mr. Andresen and I both asked about data in possession of other Members of the committee and were refused information. Mr. Andresen asked specifically if the committee had any evidence that Mr. Kamp or his organization had engaged in political activity.

I am certain that the committee members who refused to disclose information acted in good faith; that they felt justified in protecting their informant by keeping his name in confidence. At that time is what I am talking about.

I am certain they did not know the real identity nor anything about the subversive background of this individual.

Had the Members of the committee known them, as I know now, that this man was a communist fronter and that he was acting for the American branch of an international propaganda organization, which had been supported in part with Nazi funds, I feel certain there would have been a different outcome of the hearings in respect to the Constitutional Educational League and Mr. Kamp.

Had this information been in the hands of any Member of the committee on the day the citation for contempt was being considered, I am positive the committee would not have voted to cite Mr. Kamp.

In a letter to Secretary Anderson, dated February 25, 1947, Mr. Kamp charged that the exhibits ^{used} during his hearings had been turned over to one James H. Sheldon of New York; that one document which he needed in connection with his trial in the District Court was still in Sheldon's possession and he requested Mr. Anderson to have the document returned to the committee's files so that it could be subpoenaed.

In his reply to Kamp, Secretary Anderson disclaimed any personal dealings with Sheldon but at the same time made admissions which convince me that Sheldon did supply these exhibits, that the missing exhibit was in his possession and that Mr. Kamp was correct when he told us that the documents used by the committee had been stolen from his office.

I have here a photostat of Secretary Anderson's letter of March 4, 1947, and I want to read it to you. Mr. Anderson wrote:

"Dear Mr. Kamp: I have your letter of February 25, which arrived in Washington while I was in California. I know nothing about the memo which you mention. As you know, I was not present during your first examination and therefore was not familiar with the material presented to you. I have no authority to see that the memorandum

is returned to the committee's files. I turned over to the Clerk of the House all material which I had, including all exhibits. I was never satisfied that the office of the Clerk was being too careful of the material, but I could not be responsible for the way in which other people discharged their duties.

"Mr. Sheldon of the so-called Anti-Nazi League did come to Washington several times and did try to provide information for the committee. It became apparent to me that he was a person with a special interest and I had to say to him that we could not permit him to try to run our work for us and could not have him telling us the subjects upon which we might cross-examine and question people. I knew that he had an employee planted in the office of the committee for Constitutional Government and it was from that connection that I had an offer to have made available to me for a price all the financial records of that organization. Naturally I did not attempt to pay that price, as we were trying to get only those things that might properly be developed by cross-examination of witnesses.

"If you are not able to get your document from the House committee, I will try again to see if I can get the Clerk of the House to call upon Sheldon for it, but I do want you to realize that I have no authority in these matters when I am no longer chairman of the committee."

Mr. Church of Illinois. I have here (indicating) a copy of the official Report of the Massachusetts Special Commission to Investigate the Activities of Communist, Fascist, Nazi and other Subversive Organizations. On page 467 is a letter signed by James H. Sheldon inviting people to join with him in organizing the Boston Chapter of the American League Against War and Fascism, the largest and most active of the communist movements which was identified as a subversive communist front by the Department of Justice.

On page 211 of this same report Sheldon is named as a "front" for the Interna-

tional Labor Defense which was branded as the "legal arm of the communist party" by former Attorney General Biddle.

I also have here two copies of the printed hearings of the Committee to Investigate Campaign Expenditures of 1944. By comparing them I have verified the fact that some thirty odd paragraphs are missing from my own copy.

Mr. Kamp tells me that he had written to or talked with various members of the Anderson Committee and that none of them knows how these paragraphs came to be deleted or who is responsible. He further tells me that at his trial in 1946, the Clerk of the Anderson Committee, testifying under oath, said he knew nothing about these deletions.

I also have here a photostat of a letter from Secretary Anderson to Mr. Kamp, dated May 10, 1946, which reads as follows:

"I have your letter of May 2 in which you say that a part of your testimony before my committee has been deleted from the printed record of the hearings. As I was not present when you testified and didn't prepare the transcript of your testimony, I know little or nothing about the whole matter. Therefore, I am in no position to advise you as to who is responsible for the alleged deletion in the printed record."

Let me read for you just a few paragraphs of Mr. Kamp's testimony that are not in my copy of the printed hearings but which appear in the earlier copy sent to Mr. Kamp.

Mr. Kamp, after explaining that he was reluctant to give the names of contributors to the Committee because they might get into the hands of the un-American Gestapo and the Smear Bund, had this to say about Sheldon's Chief Investigator: (page 304 of the earlier copy) "Furthermore, one Dorothy Kahn Wursburger Kalen, alias Dorothy Waring, alias Mary Gaffney, alias Charlotte Snowden Meade, a spy for the un-American Gestapo who was "agent 89" on the McCormack-Dickstein staff, is the wife of a former German Army officer decorated with the iron cross and, more recently, a Japanese High Commissioner and commercial representative for General Semenov, whose military command

in Manchukuo became part of the Japanese Army one week before Pearl Harbor."

Another deleted item reads: (Page 304) "We are not even sure that information given to this committee will not find its way into the hands of the Russian OGPU and the Japanese counterpart of the German Gestapo, since the un-American Gestapo has communist connections and communist Russia has a friendly compact with Japan."

Another paragraph deleted from my copy reads: "These charges are made under oath. I know that perjury is a major crime and calls for severe punishment. I repeat that every charge is true."

Another significant paragraph which is not in my later printed copy of the hearings declares: "The charges I have made should be a challenge to every Member of Congress. These charges call for a full-dress joint investigation by the House and the Senate. When such an investigation is made, when the smear bund is exposed and discredited and the un-American Gestapo is rendered powerless to harass and invoke reprisals upon patriotic Americans, when and then only will it be judicious and desirable to make public the names of those who have cooperated in resisting their machinations to destroy our Republic."

I have checked with Mr. Andresen and find that this part of Mr. Kamp's testimony is also missing from his same later printed copy.

I have not checked with the other Members of the committee as to whether or not they have complete or deleted copies. That is immaterial. I am keeping close to me these copies and I hope the committee will keep close to themselves these copies.

I do not know whether any Member read any testimony or not before voting to cite Mr. Kamp. That also is beside the point.

If this testimony was missing from the printed record of just one Member of the committee, and whether he had occasion to read the record or not, such testimony was nevertheless unavailable for consideration and a vote to cite for contempt under such circumstances, in my opinion, was improper, if not illegal.

I have used the words "not the legal act" advisedly in this Resolution in order to emphasize the serious nature of the injustice that has been done.

As a lawyer I know what withholding evidence can mean in any court proceeding. Whether the information withheld in this case was pertinent or material is beside the point. The fact remains that information was withheld, and at least one material exhibit had been removed from the files and was not in the possession of the committee when the contempt citation was voted. I sat there as that memo was erased by a member of the committee; and I know that everything to which I am testifying is correct.

The Chairman. Was there any objection entered at that time?

Mr. Church of Illinois. I will cover that, please.

In cases where a person is convicted and it can be shown that there was obstruction or concealment of evidence, or that a witness was hidden or otherwise kept from testifying, courts quickly set aside the verdict. And a court will not go into the question as to whether or not the evidence or testimony was material to the issue.

It may be contended that the rules of law and evidence in a court of justice do not apply in a quasi-judicial proceeding. I believe they should.

However, the Anderson committee, in this matter was, in effect, sitting as a jury to decide the fate of Mr. Leary and to all intents and purposes (with only part of the evidence and part of the facts before it) found him guilty of having defaulted and being in contempt.

Every scrap of evidence has to be available to a jury - that is the root of a fair trial. It should be no less so with us.

Because of the unusual and extraordinary circumstances involved in this situation, I feel that in order to be fair and just, the same rules as in a court - the same yardstick of justice - should apply especially when a man's and an organization's good name

and future usefulness in public service are at stake.

Had the members of the Anderson committee known the identity and communistic background of the man who obviously gave this false information to the committee; had they known of the Red revolutionary activities of the man who stole the letters and memorandum foisted on the committee; and had they known the subversive and even criminal nature of the organization with which these men were connected and into whose possession these committee exhibits were about to be entrusted and that one of them would never be returned, I am certain that there would have been no occasion for any controversy between the committee and Mr. Kamp and, most certainly, there would have been no citation for contempt.

I want to say again, as I said in my opening remarks, passage of this Resolution can not effect the court action in this matter, since a verdict has already been rendered in District Court of the District of Columbia.

Mr. Kamp has been found guilty and has been sentenced.

Of course, Mr. Kamp feels that if he had been able to show that outsiders, and particularly a communist front, planted false information with the committee, he would have been acquitted.

He was prevented from presenting such evidence at his first trial when the Clerk of the House was unable to comply with the subpoena of the District Court for the production of the document which had been removed from the committee's files, and which Secretary Anderson has since tried unsuccessfully to have returned to the office of the Clerk, where it legally belongs. Hence, it was also unavailable to Mr. Kamp for his second trial. I do not press for quick action by your committee. I press for a thorough investigation by your own methods. Bring in whomever you please for that purpose. I urge a thorough investigation by this committee.

Notwithstanding the guilty verdict, however, Mr. Kamp feels certain that the Court

of Appeals will reverse the judgment in his case.

However, if he should be mistaken about his success on appeal, and if he should have to pay such a price for his fight against communism, then Mr. Kamp should go to jail with the knowledge that he has been vindicated in his charges made before the Anderson committee that subversive outsiders were using the committee for their own purposes.

He should go to jail with the satisfaction of knowing that the citation voted against him was not justified in the light of subsequent disclosures; that the record shows that the Anderson committee unwittingly allowed subversive forces to inject themselves into the affairs of the committee; and that the citation was voted at a time when the Members of the committee did not have before them all the facts and evidence.

I want to leave with you as near as I can copies of that to which I have referred.

The Chairman. Did the Committee on Campaign Expenditures agree that these communists and subversive elements gave false testimony and evidence against Mr. Kamp?

Mr. Church of Illinois. Much was learned afterwards.

The Chairman. Did the members of that committee know that communists and subversives gave false testimony and evidence against Mr. Kamp?

Mr. Church of Illinois. Let them speak for themselves. Mr. Andresen, a member of that committee, is here. Let him speak for himself. Mr. Andresen and I were members of that committee; and much that I have related was not known at that time.

The Chairman. Do they know now - the majority of the Members of that committee?

Mr. Church of Illinois. My statement stands. I know and I have produced the evidence here. I do not want quick judgment of this committee. I want you to read and check and have a competent investigator work on this matter. The minority and the majority of that committee - this was not a political matter. That was not a poli-

tical matter.

The Chairman. Why was that testimony erased? It was before the committee; did the committee not agree to erase it?

Mr. Church of Illinois. The committee did not know it until later. The committee did not have many of these things before it when it acted. Ralph Church was there. He alone voted against. Mr. Andresen was not present at the time of the vote.

The Chairman. How many Members were present when they voted on the matter?

Mr. Church of Illinois. Only a few.

The Chairman. About how many?

Mr. Church. I do not want to make a statement that might be inaccurate.

The Chairman. Approximately how many were present?

Mr. Church of Illinois. I do not want to reflect adversely against members of that committee. I do not mean to reflect upon a single member of that committee; but the committee did not have, as I have tried to point out, full information and it acted, probably, too quickly.

The Chairman. Do they admit that they acted too ^u quickly? Do they say that now?

Mr. Church of Illinois. I believe the committee was wrong. Much information came out later - information of great importance. Much information came out when Mr. Kamp could not get the evidence necessary to defend his case in court.

The Chairman. Do the majority of the members of the committee admit that later information favorable to Mr. Kamp came to light?

Mr. Church of Illinois. I believe that every Member of the committee tried to do his full duty; and I do not want to say anything but what I have said about Members of the committee. I believe that if Members of that committee had known things that are in this record, there would not have been a single vote to hold Mr. Kamp in contempt - recommending or holding him as in contempt.

The Chairman. Is it not a fact that most of the members of that committee were defeated in 1943 and they are not here now?

Mr. Church of Illinois. I want to lean over backwards to be fair to every Member of that committee.

The Chairman. You have suggested that this committee not act too rapidly.

Mr. Church of Illinois. I want you to familiarize yourselves with the facts, have the matter worked by the best investigators you can get, and not act too quickly. I am a lawyer, and I was in the State legislature for many years. I am the last one to say I would legislate in any way to influence a court decision or during a court procedure. I am that kind of person. I have given you my statement. Those things are not involved in this case, nor is the integrity of members of that committee. I believe a mistake was made; and I voted not to hold Mr. Kamp in contempt. I regularly attend meetings of committees of which I am a member. Right now there are two subcommittees of the Committee on Appropriations that I should be attending. You know it is very difficult for us to follow these hearings. I believe that if members of that committee had known of the taking of that important evidence, they would have acted differently.

The Chairman. Did not somebody in the committee move that it be erased?

Mr. Church of Illinois. No; that was not done.

The Chairman. Who drove it out?

Mr. Church of Illinois. I saw John Sparkman, who is a friend of mine, sit there and erase that. I have testified to the effect that that was put there by - who it was put there by - I have testified that I believe it was put there - and that was the evidence stolen by this person I have told you about. I want to be guarded in my testimony.

Mr. Sabath of Illinois. The House has acted on this matter, has it not?

Mr. Church of Illinois. Yes; it has.

Mr. Sabbath of Illinois. The members of that committee were all defeated, it has been said. Is it not a fact that a former member of the House, now Secretary of Agriculture, was chairman of the committee?

Mr. Church of Illinois. Yes; Mr. Anderson.

Mr. Sabbath of Illinois. And Mr. Sparkman is a member of the Senate.

Mr. Church of Illinois. Yes.

Mr. Sabbath of Illinois. Did Member of that committee vote unfairly or on account of a prejudice?

Mr. Church of Illinois. I want to say to the gentleman from Illinois that my statement stands. Every member of that committee was misused by the kind of person I have described.

Mr. Sabbath of Illinois. You mentioned in your prepared statement some investigator that worked for the McCormack-Dickstein committee. If we ever had a good committee in the House it was that McCormack committee. It resulted in two important pieces of legislation, one covering subversive activities and another requiring foreign agents to register with the State Department. I do not think that committee employed one who was not a good citizen, work for it. That committee did a very fine work.

Mr. Chenoweth of Colorado. Do you want to go into the legal status of this matter? I am not clear as to the legal status.

Mr. Church of Illinois. I do not wish to cover that.

I wish every member of this committee would read my statement carefully, and, if proper, have Mr. Andresen make a statement before the committee. I am sure that Mr. Andresen wants to make a statement.

The Chairman. You want us to read this record?

Mr. Church of Illinois. Yes. I want you gentlemen of the committee to familiarize yourselves with this matter. Only an hour ago was I able to complete my statement of the case. I have made it as complete as I could. There is no hurry about this mat-

ver; except we do adjourn some time soon. I do not want to do anything but give the members of this committee a chance to do what it can on its own.

I wish the following letter to be made a part of the record:

March 20, 1947.

Hon. Clinton P. Anderson,
Secretary of Agriculture,
Washington (25) D. C.

My dear Mr. Secretary:

Thank you for your courteous response to my recent letter and particularly for your frankness in explaining your refusal to deal with Mr. Sheldon of the so-called Anti-Nazi League. From what you tell me I can realize that you are altogether unaware of what actually did happen. Since you refused to accept Mr. Sheldon's information and his help in selecting the subjects upon which your committee "might cross-examine and question people," it is very obvious that he sold himself, his advice and his false information to other members of the committee, behind your back. From what you write it is also apparent that your clerk, Mr. Lambert, turned the exhibits over to Mr. Sheldon without your knowledge or authority. It is unfortunate that your confidence was betrayed in this way and that as a result of these circumstances I should be victimized.

I know how busy a Congressman can be and, therefore, - can understand why you were not familiar with what transpired at the first hearing during your absence. If you had read the transcript of the proceedings you would have realized that both Congressman Sparkman and Congressman Murphy, and your committee counsel, Mr. Caddell, were not only guided by "Dr." Sheldon's advice, but that Mr. Murphy was reading from memoranda supplied by "Dr." Sheldon when he conducted his examination. I recall that Mr. Murphy refused to tell Mr. Church the source of the memoranda and I have learned

since that another member of the committee, during the hearings, asked if there was evidence that we had engaged in political activity and was refused any information. It appears that a few members of your committee, perhaps ashamed of their shady contacts, kept you and the rest of the committee in the dark in respect to their dealings with the Anti-Nazi League.

I forgot to tell you in my last letter that in addition to "Dr." Sheldon's involvement with the communists and the fact that Nazi money helped to support the Anti-Nazi League, the organization's treasurer was an alien refugee, one Isador Lipschutz, who came to this country in 1933 and whose petition for naturalization, filed in 1944, the year of your hearings, has been held up because the Immigration Bureau has been carrying on a protracted "investigation."

My case was schedule to go to trial against this week, but I succeeded in having it postponed until a later date because I wanted to be certain that the photostatic memorandum in "Dr." Sheldon's possession had been returned to your committee's files and would be available when subpoenaed. You wrote me that you would ask the Clerk of the House to call on Sheldon for it, but I have had no further word. I will appreciate it if you will let me know when it is again in your files. I realize you no longer have any authority to compel its return, but I am certain that your prestige as a former Chairman of the Committee on Campaign Expenditures and your influence as a Member of the President's Cabinet will prevail in the circumstances.

In all fairness, I think my jury should also see the Anti-Nazi League memoranda used by Mr. Murphy. According to my last information, these memoranda are or were in the possession of Mr. Sparkman. At least they were supposed to be in his possession when "Dr." Sheldon asked for their return after my hearings were concluded. In order that I may have a fair trial and in the interest of justice, I will be grateful if you would be good enough to try to locate them and make them available to me or to my attorney.

With deep appreciation for your continued consideration in this important matter, I am,

Very respectfully yours, JOSEPH P. KAMP.

The Chairman. If there is nothing further in connection with this matter, the committee will go into executive session.

(Thereupon at 11:15 o'clock a. m., Tuesday, April 20, 1943, the committee went into executive session.)